

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rudd, et al.

Confirmation No.: 9020

Application No.: 10/662,269

Examiner: Tuan To

Filing Date: 9/15/03

Group Art Unit: 3663

Title: Systems and Methods for Providing Information to Users

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 5/2/05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- | | |
|------------------|-----------|
| () one month | \$120.00 |
| () two months | \$450.00 |
| () three months | \$1020.00 |
| () four months | \$1590.00 |

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Rudd, et al.

By M. Paul Qualey, Jr.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Rudd, et al.

Group Art Unit: 3663

Serial No.: 10/662,269

Examiner: To, Tuan

Filed: September 15, 2003

Docket No. 10010047-4

For: **Systems and Methods for Providing Information to Users**

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APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the decision of Examiner Tuan C. To, Group Art Unit 3663, mailed December 2, 2004, rejecting claims 1 – 7 and 10 - 12 in the present application and making the rejection FINAL.

07/06/2005 ZJUHR1 00000024 082025 10662269

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I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 1 – 7, 10 – 12, 15, 16, 19 and 20 remain pending, claims 21 – 25 having been withdrawn in response to a restriction requirement. Claims 15, 16, 19 and 20 are objected to, but are indicated as being allowable if rewritten in independent form. Claims 1 – 7 and 10 – 12 stand finally rejected.

IV. STATUS OF AMENDMENTS

Applicants submitted a response after final without amendments. That response was entered. A copy of the current claims is attached hereto as Exhibit A.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Identification service systems for providing information to a user are provided. A first embodiment (such as recited in independent claim 1) of an identification service system 10 (*see*, for example, specification at page 4, line 7 to page 6, line 2, and FIG. 1) comprises a first identification device 100 (*see*, for example, specification at page 4, line 12 to page 5, line 8, and page 6, line 3 to page 8, line 17, and FIGs. 1 - 3). The first identification device has a locator 220 and a transmitter 230 (*see*, for example, specification at page 7, line 3 to line 10, and FIG. 2). The locator is configured to facilitate determining a location of the first identification device 100. The first identification device 100 is further configured to store identification information 210 (*see*, for example, specification at page 6, line 3 to page 7, line 2, and FIG. 2). The identification information corresponds to a first user. The transmitter 220 is configured to transmit information associated with the location of the first identification device and identification information 210 corresponding to the first user to a services system 110 (*see*, for example, specification at page 4, line 7 to page 6, line 2, and FIG. 1). In response thereto, the services system 110 provides information to the first user via the first identification device 100 based, at least in part, on the location of the first identification device. The services system 110 also comprises an image capturing device 140 (*see*, for example, specification at page 5, line 16 to page 6, line 2, and FIG. 1).

A second embodiment (such as recited in dependent claim 3) of an identification service system 10 is provided, wherein, in response to information received by the services system 110, the image-capturing device 140 captures image data corresponding to the location of the first identification device 100 (*see*, for example, specification at page 5, line 16 to page 6, line 2, page 18, line 4 to page 20, line 3, and FIGs. 1, 11 and 12).

A third embodiment (such as recited in dependent claim 12) of an identification service system 10 is provided. In this embodiment, the identification service system further comprises a photo system 1100 (*see*, for example, specification at page 17, line 22 to page 20, line 3, and FIGs. 1, 11 and 12). This embodiment of the photo system 1100 is configured to automatically determine the location of the user and automatically enable an image-capturing device 140 to acquire image data corresponding to the location of the user when the location of the user corresponds to an area associated with the image-capturing device (*see*, for example, specification at page 17, line 22 to page 20, line 3, and FIGs. 1, 11 and 12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 – 7 and 10 – 12 stand finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tullis* in view of *Wilcock*.

VII. ARGUMENT

A. Independent Claim 1 and Dependent Claims 2, 4 – 7, 10 and 11

The primary reference asserted against Applicants' independent claim 1 is *Tullis*. With respect to *Tullis*, that reference discloses a wireless hand-held digital camera (40) and a host computer (10). In the Advisory Action, the Examiner indicates that the digital camera (40) and the host computer (10) of *Tullis* are attributed to Applicants' services system, whereas the digital camera (40) is attributed to Applicants' first identification device. Applicants respectfully assert that such an attribution of *Tullis* is inconsistent with the specific structural and/or functional relationships recited in claim 1.

In this regard, *Tullis* discloses:

In an embodiment of the invention, imaging optics and a photo-sensor array capture image data that represents an image of a subject. A transceiver integrated into the hand-held digital camera transmits the image data to a host computer via a wireless communications link. The host computer stores the image data, or a copy of the image data, and retransmits the image data back to the hand-held digital camera via the wireless communications link. Once the image data is received by the hand-held digital camera, an electronic image representative of the image data is displayed by a display device that is integrated into the camera. The communications link between the hand-held digital camera and the host computer can transfer data at a sufficiently high rate to provide virtually real-time feedback to a camera operator.

(*Tullis*, col. 2, lines 43 – 37).

As set forth in the representative teachings of *Tullis* above, Applicants respectfully assert that there is no teaching or suggestion in *Tullis* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1.

The secondary reference asserted against the pending claims is *Wilcock*. With respect to *Wilcock*, that reference involves augmentation of sets of image recordings. For example, *Wilcock* discloses:

According to the present invention, there is provided a method of augmenting a set of image recordings, wherein a set of image recordings are taken and corresponding taken image recording location data is recorded to indicate the locations where the image recordings are taken; and wherein desired image recording location data is also recorded to indicate at least one location for which the user desires and, or a further image recording; the desired image recording location data being subsequently used to retrieve one or more corresponding image recordings.

(*Wilcock*, paragraph 0008).

As set forth below, Applicants respectfully assert that *Tullis* and *Wilcock*, either individually or in combination, are legally deficient for the purpose of anticipating and/or rendering obvious the presently pending claims. In particular, Applicants respectfully

assert that there is no teaching or suggestion in *Wilcock* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1. Thus, even if properly combined, *Wilcock* does not remedy the deficiencies of *Tullis*.

With respect to claim 1, that claim specifically recites:

1. An identification service system for providing information to a user, said identification service system comprising:
a first identification device having a locator and a transmitter, said locator being configured to facilitate determining a location of said first identification device, said first identification device being further configured to store identification information, said identification information corresponding to a first user, *said transmitter being configured to transmit information associated with the location of said first identification device and identification information corresponding to the first user to a services system* such that the services system provides information to the first user via said first identification device based, at least in part, on the location of said first identification device, *said services system comprising an image capturing device*.

(Emphasis Added).

Applicants respectfully assert that claim 1 is allowable because at least the features/limitations emphasized above in claim 1 are not taught or reasonably suggested, either individually or in combination, by the cited references. In particular, Applicants respectfully assert that neither *Tullis* nor *Wilcock* involve the use of “a first identification device having a locator and a transmitter” and a separately recited “services system comprising an image capturing device.”

As presented in the Advisory Action, the “services system” of *Tullis* includes a host computer and a digital camera. However, the digital camera (an image capturing device) of *Tullis* includes the transmitter. Thus, the system of *Tullis* cannot be said to involve both “a first identification device having . . . a transmitter” and a “services system comprising an image capturing device.” That is, the single digital camera of *Tullis* cannot be both “the first identification device” and the separately recited “image capturing device” of claim 1.

Wilcock does not remedy this deficiency. Therefore, Applicants respectfully assert that claim 1 is in condition for allowance.

Since claims 2, 4 – 7, 10 and 11 are dependent claims that incorporate the limitations of claim 1, Applicants respectfully assert that for at least this reason these claims are in condition for allowance.

B. Dependent Claim 3

Claim 3 is a dependent claim that incorporates the limitations of claim 1. For at least this reason, Applicants respectfully assert that claim 3 is in condition for allowance. Additionally, claim 3 recites other limitations and/or combinations thereof that are not taught or reasonably suggested by the cited art. Therefore, there are additional reasons for the allowability of claim 3.

Claim 3 also stands rejected under the combination of *Tullis* and *Wilcock*. In this regard, claim 3 recites:

3. The identification service system of claim 1, wherein, *in response to information received by said services system, said image-capturing device captures image data corresponding to the location of said first identification device.*

(Emphasis Added).

Applicants respectfully assert that the cited art, either individually or in combination, does not teach or reasonably suggest at least these additional features/limitations recited in claim 3. In this regard, there is no teaching or suggestion in either reference of an image-capturing device capturing image data in a manner that is responsive to information received by a services system. For instance, with respect to the primary reference *Tullis*, *Tullis* does not involve the digital camera capturing image data responsive to the host computer. *Wilcock* does not involve this limitation either.

Additionally, the limitations recited in claim 3 emphasize the inapplicability of the cited references for formulating a rejection, because this recitation highlights that the “services system” of Applicants’ claims comprises the “image-capturing device” and that the image-capturing device is separate from the “first identification device.” Clearly, these relationships are not taught or suggested by either or a combination of the references.

Specifically, the Advisory Action indicates that the digital camera (40) and the host computer (10) of *Tullis* are attributed to Applicants’ services system, whereas the digital camera (40) is attributed to Applicants’ first identification device. However, Applicants respectfully assert that there is no teaching or suggestion in *Tullis* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1.

Further, Applicants respectfully assert that there is no teaching or suggestion in *Wilcock* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1. Thus, *Wilcock* does not remedy the deficiencies of *Tullis* with respect to the limitation recited in claim 1. For at least this additional reason, Applicants respectfully assert that claim 3, which incorporates the limitations of claim 1, is in condition for allowance.

C. Dependent Claim 12

Claim 12 is a dependent claim that incorporates the limitations of claim 1. For at least this reason, Applicants respectfully assert that claim 12 is in condition for allowance. Additionally, claim 12 recites other limitations and/or combinations thereof that are not taught or reasonably suggested by the cited art. Therefore, there are additional reasons for the

allowability of claim 12.

Claim 12 also stands rejected under the combination of *Tullis* and *Wilcock*. In this regard, claim 12 recites:

12. The identification service system of claim 10, wherein said photo system is configured to *automatically determine the location of the user and automatically enable an image-capturing device to acquire image data corresponding to the location of the user when the location of the user corresponds to an area associated with the image-capturing device.*

(Emphasis Added).

Applicants respectfully assert that the cited art, either individually or in combination, does not teach or reasonably suggest at least these additional features/limitations recited in claim 12. In this regard, there is no teaching or suggestion in either reference of a system configured to automatically determine the location of the user and automatically enable an image-capturing device to acquire image data corresponding to the location of the user when the location of the user corresponds to an area associated with the image-capturing device. For instance, with respect to the primary reference *Tullis*, *Tullis* does not involve the digital camera capturing image data responsive to the host computer. *Wilcock* does not involve this limitation either.

Notably, these limitations do not appear to have been specifically addressed in the either the non-final Office Action, the final Office Action or the Advisory Action. Arguably, claim 12 was mentioned by number in the non-final Office Action; however, no indication was made as to how the recited limitations are met by either or a combination of the references. In this regard, Applicants have thoroughly reviewed the references and find no such teachings or suggestions.

Additionally, the limitations recited in claim 12 emphasize the inapplicability of the cited references for formulating a rejection, because this recitation highlights that the “services system” of Applicants’ claims includes the “image-capturing device” and is

separate from the “first identification device .” Clearly, these relationships are not taught or suggested by either or a combination of the references.

Specifically, the Advisory Action indicates that the digital camera (40) and the host computer (10) of *Tullis* are attributed to Applicants’ services system, whereas the digital camera (40) is attributed to Applicants’ first identification device. However, Applicants respectfully assert that there is no teaching or suggestion in *Tullis* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1.

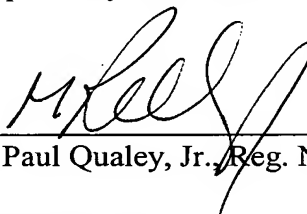
Further, Applicants respectfully assert that there is no teaching or suggestion in *Wilcock* of an “identification device having a locator and a transmitter,” and a separately recited “services system comprising an image capturing device,” as recited in independent claim 1. Thus, *Wilcock* does not remedy the deficiencies of *Tullis* with respect to the limitation recited in claim 1. For at least this additional reason, Applicants respectfully assert that claim 12, which incorporates the limitations of claim 1, is in condition for allowance.

CONCLUSION

Based upon the foregoing discussion, Applicant respectfully requests that the Examiner's final rejection of the pending claims be overruled and withdrawn by the Board, and that the application be allowed to issue with all pending claims.

Please charge Hewlett-Packard Company's deposit account 08-2025 in the amount of \$340 for the filing of this Appeal Brief. No additional fees are believed to be due in connection with this Appeal Brief. If, however, any additional fees are deemed to be payable, you are hereby authorized to charge any such fees to deposit account No. 08-2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Paul Qualey, Jr.', is written over a horizontal line.

M. Paul Qualey, Jr., Reg. No. 43,024

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VIII. CLAIMS - APPENDIX

1. (Previously Presented) An identification service system for providing information to a user, said identification service system comprising:

a first identification device having a locator and a transmitter, said locator being configured to facilitate determining a location of said first identification device, said first identification device being further configured to store identification information, said identification information corresponding to a first user, said transmitter being configured to transmit information associated with the location of said first identification device and identification information corresponding to the first user to a services system such that the services system provides information to the first user via said first identification device based, at least in part, on the location of said first identification device, said services system comprising an image capturing device.

2. (Original) The identification service system of claim 1, further comprising:

a services system configured to communicate with said first identification device, said services system being further configured to receive information associated with the location of said first identification device and identification information corresponding to the first user such that, in response thereto, said services system provides information to the first user based, at least in part, on the location of said first identification device.

3. (Previously Presented) The identification service system of claim 1, wherein, in response to information received by said services system, said image-capturing device captures image data corresponding to the location of said first identification device.

4. (Previously Presented) The identification service system of claim 1, further comprising:

a display device configured to communicate with said services system such that said display device displays captured image data corresponding to the location of said first identification device to the first user.

5. (Previously Presented) The identification service system of claim 1, further comprising:

means for displaying captured image data corresponding to the location of said first identification device to the first user.

6. (Previously Presented) The identification service system of claim 1, further comprising:

a second identification device configured to communicate with said services system, said second identification device having a locator and a transmitter, said locator being configured to facilitate determining a location of said second identification device, said second identification device being further configured to store identification information, said identification information corresponding to a second user, said transmitter being configured to transmit information associated with the location of said second identification device and identification information corresponding to the second user to said services system such that said service interaction system provides information to the second user based, at least in part, on the location of said second identification device; and

wherein said image-capturing device is configured to simultaneously capture image data corresponding to the location of said first identification device and said second

identification device.

7. (Previously Presented) The identification service system of claim 1, wherein said services system includes a locating system, said locating system being configured to receive information associated with the location of said first identification device and identification information corresponding to the first user and, in response thereto, store information corresponding to the location of the first user.

8. – 9. (Canceled)

10. (Previously Presented) The identification service system of claim 1, wherein said services system includes a photo system, said photo system being configured to receive a request for acquiring image data from a user and, in response thereto, determine the location of the user and enable an image-capturing device to acquire image data corresponding to the location of the user.

11. (Original) The identification service system of claim 10, wherein said photo system receives said request for acquiring image data via said first identification device.

12. (Original) The identification service system of claim 10, wherein said photo system is configured to automatically determine the location of the user and automatically enable an image-capturing device to acquire image data corresponding to the location of the user when the location of the user corresponds to an area associated with the image-capturing device.

13. – 14. (Canceled)

15. (Previously presented) The identification service system of claim 1, wherein said services system includes a routing system, said routing system being configured to receive a request for routing from a first location to a second location from the first user and, in response thereto, determine the location of the user and access of the user, and provide the first user with information corresponding to a proposed route for the first user to travel from the location of the user to the second location, the information being based, at least in part, on the access of the user.

16. (Original) The identification service system of claim 15, wherein said routing system is configured to provide the first user with an alert via said first identification device if said routing system determines that the first user is not travelling along the proposed route.

17. – 18. (Canceled)

19. (Previously presented) The identification service system of claim 1, wherein said services system includes a credit system, said credit system being configured to receive a request to access a credit account of the first user, determine whether the request is from the first user, and if the request is not from the first user, deny access to the credit account of the first user.

20. (Previously presented) The identification service system of claim 1, wherein said services system includes an emergency response system, said emergency response system being configured to receive a request from the first user via said first identification device, determine the location of the first user, and provide an emergency response to the location of the first user.

21. (Withdrawn) An image-capturing device comprising:

a first image-capturing component configured to capture image data corresponding to a first location; and

a second image-capturing component arranged adjacent to said first image-capturing component, said second image-capturing component being configured to capture image data corresponding to a second location, the first location being different from the second location;

said first and second image-capturing devices being configured to simultaneously capture image data corresponding to the first and second locations.

22. (Withdrawn) The image-capturing device of claim 21, wherein the image capturing device is operative to receive information corresponding to a location of a first user such that, when the location of the first user corresponds to the first location, the first image-capturing component automatically captures image data corresponding to the first user at the first location.

23. (Withdrawn) The image-capturing device of claim 21, wherein the first image-capturing component is operative to capture image data in response to an input provided by

a first user.

24. (Withdrawn) The image-capturing device of claim 21, wherein the first image-capturing component is operative to acquire real-time video images.

25. (Withdrawn) The image-capturing device of claim 24, wherein the second image-capturing component is operative to acquire still images.

IX. EVIDENCE - APPENDIX

None.

IX. RELATED PROCEEDINGS- APPENDIX

None.